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U.S. PTO  
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please type plus sign inside this box + PTO/SB/05 (06/03) Approved for use through 07/31/2003 OMB 0651-0032 +

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**  
Only for new nonprovisional applications under 37 1.53(b)

Attorney Docket No. 13183.0024

First Inventor Peter Rohnert et al.

Title Drug Preparation Comprising.....

Express Mail Label No. ER 635563900 US

**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.  
See CFR 1.27.

3. ☒ Specification  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets 3 / 1]

5. ☐ Oath or Declaration [Total Pages 1 / 1]

- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
  - i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

**ADDRESS TO:** Mail Stop Patent Application  
Commissioner for Patents, P.O. Box 1450  
Alexandria, Virginia 22313-1450

**ACCOMPANYING APPLICATION PARTS**

- 9. ☐ Assignment Papers (cover sheet & document(s))
- 10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
- 11. ☐ English Translation Document (if applicable)
- 12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- 13. ☒ Preliminary Amendment
- 14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- 15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- 16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
- 17. ☒ Other: Check for \$1202

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

- ☐ Continuation
- ☐ Divisional
- ☐ Continuation-in-part (CIP)

Prior application information: Examiner: \_\_\_\_\_ of the prior application No: 1 / \_\_\_\_\_

Group/Art Unit: \_\_\_\_\_

Prior application information: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number: 26712

OR ☐ Correspondence address below

NAME

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Registration No. (Attorney/Agent) 24,926

Signature *Martin G. Linihan*

Date January 26, 2004

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I hereby Certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Martin G. Linihan*  
Signature 891555

Name

Applicants claim priority under 35 USC 119 based on German patent application no. 103 03 229.0 filed January 28, 2003

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 01/01/2003. Patent Fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$1202.00)

Application Number

Filing Date

January 26, 2004

First Named Inventor

Peter Rohnert et al.

Examiner Name

Group/Art Unit

Attorney Docket Number

13183.0024

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☐ Deposit Account: Deposit Account Number: 08-2442

Deposit Account Name: Hodgson Russ LLP

The Director is hereby authorized to (check all that apply)

☐ Charge fee(s) indicated below☒ Charge any fee deficiencies or credit any overpayments☐ Charge any additional fees during pendency of this application.☐ Charge fees indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION (continued)

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code Fee (\$)

Fee Code Fee (\$)

Fee Description Fee Paid

1001 770 2001 385 Utility filing fee \$770

1002 340 2002 170 Design filing fee \$

1003 530 2003 265 Plant filing fee \$

1004 770 2004 385 Reissue filing fee \$

1005 160 2005 80 Provisional filing fee \$

SUBTOTAL (1) \$770

2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE

Extra Fee from

Claims below

Total Claims /44 / - 20\*\* = /24 / x /18 / = \$432

Independent Claims / / - 3\*\* = / / x / / = \$

Multiple dependent / / x / / = \$

Large Entity Small Entity

Fee Code Fee (\$)

Fee Code Fee (\$)

Fee Description Fee Paid

1202 18 2202 9 Claims in excess of 20 \$

1201 86 2201 43 Independent claims in excess of 3 \$

1203 290 2203 145 Multiple dependent claim if not paid \$

1204 86 2204 43 \*\*Reissue independent claims over original patent \$

1205 18 2205 9 \*\*Reissue claims in excess of 20 and over original patent \$

SUBTOTAL (2) \$432

SUBMITTED BY:

Martin G. Linihan Reg. No. 24,926

SIGNATURE *Martin G. Linihan*

DATE: January 26, 2004 Telephone: (716) 848-1367

1809 770 2809 385 Filing a submission after final rejection(37 CFR 1.129(a)) \$

1810 770 2810 385 For each add'l invention to be examined(37 CFR 1.129(b)) \$

1801 770 2801 385 Request For Continued Examination (RCE) \$

1802 900 1802 900 Request for Expedited Examination of a design application \$

Other fee (specify) \$

\*Reduced by basic filing fee paid

SUBTOTAL (3) \$0

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Date of Deposit January 26, 2004

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Martin G. Linihan

Name

Signature

January 26, 2004

Date of Signature

891518